



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1034 CRIMINAL APPLICATION NO. 1683 OF 2025
IN APEAL/345/2025**

MUKESH NATHURAM RATHOD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.N.D.Kendre
APP for Respondent-State : Mrs.A.S.Mantri

...

**WITH
CRIMINAL APPEAL NO. 345 OF 2025**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.06.2025

P.C. :

1] The learned counsel for the applicant submits that the applicant is falsely implicated in the present case as the wife of the present applicant had lodged a complaint bearing Crime No.219/2023 against brother of the victim under Section 376 (2), 377 of the IPC and under POCSO Act and to counter the aforesaid FIR, the present FIR is registered against the applicant. He further submits that the at the time of incident, grand-mother of the victim was present in the vicinity. He further submits that the applicant is in jail from 1 year and 8 months. He further submits that on earlier two occasions, it is alleged that sexual assault was made by the applicant on the informant and it was on the

third assault, the FIR is registered against the present applicant. He further submits that the statement of video recorder is inconsistent with the statement under Section 164 of the victim. He further submits that the medical evidence does not fully support the case of the prosecution. Considering the said fact, the applicant has arguable case and his application for suspension of sentence be granted.

2] The learned APP seeks time to respond to the aforesaid submissions.

3] At his request, list this matter on 26.06.2025.

[ARUN R. PEDNEKER]
JUDGE

DDC